

State of California  
Regional Water Quality Control Board  
North Coast Region

WORKSHOP AND FIELD TRIP  
March 22, 2000

The Regional Water Board participated in a public field trip of the Geysers Pipeline Route from Windsor to the Laguna Treatment Plant. A tour and discussion of the City of Santa Rosa's Laguna Subregional Wastewater Disposal Facility completed the four-hour trip.

MINUTES OF MEETING  
March 23, 2000  
North Coast Regional Water Board  
Hearing Room  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California

Chairman Bill Hoy opened the March 23, 2000, meeting of the North Coast Regional Water Quality Control Board at 8:30 a.m. Executive Officer Lee Michlin led the Pledge of Allegiance.

**Introductions**

Chair Hoy introduced Jason Liles and Bill Massey and welcomed them as new members of the Regional Water Board. Other Board members and State Water Board Representative John Brown, Executive Officer Lee Michlin, and Legal Counsel Phil Wyels were also introduced.

**Board Members Present**

Daniel Crowley, Leslie Dahlhoff, Jason Liles, Bill Massey, Jim Mitchell, Bev Wasson, and Bill Hoy

**Staff Present**

Lee Michlin, Craig Johnson, Susan Warner, Bob Tancreto, Frank Reichmuth, Bob Klamt, John Hannum, Christine Wright-Shacklett, Peter Otis, Gail Seymour, Mark Neely, John Short, Fred Blatt, Katharine Spivak, Scott Gergus, Doug Cushman, Paul Keiran, Bryan McFadin, Beth Lamb, Al Wellman, Janet Blake, Craig Hunt, Laurie Applegate, Terri Korell, Jean Lockett, Jean Spath, and Phil Wyels

## **Minutes of Meeting**

Bev Wasson moved adoption of the February 24, 2000, minutes as presented. Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

Executive Officer Lee Michlin introduced new staff member Craig Hunt who was present at the Board meeting.

## **Public Forum**

Oral testimony was presented by Brenda Adelman, Russian River Watershed Protection Committee and Bob Rawson, Sebastopol resident.

## **Consent Calendar**

Chair Hoy stated Item No. 2, **Syar Industries, Inc., Basalt Pond**, was removed from the March agenda.

- 1. University of California, Davis, Bodega Marine Lab**, Sonoma County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA 0024333, WDID No. 1B4035OSON

Jim Mitchell moved adoption of the Consent Calendar as amended. Bev Wasson seconded the motion and it carried by a unanimous voice vote.

- 3. PUBLIC HEARING** to Consider Whether to Affirm, Reject, or Modify a Complaint for Administrative Civil Liability. The Executive Officer issued an Administrative Civil Liability Complaint to Roy Hauser dba Tall Timber Forest Management in the amount of \$10,000. Sediment was allegedly discharged from an area of timber harvest operations in amounts which violated the Water Quality Control Plan for the North Coast Region. The alleged violations concern discharges to String and Tartar Creeks in Mendocino County

Lee Michlin explained Item No. 3 had been pulled from the agenda. Mr. Hauser moved to Oregon and attempts to contact him have failed to date.

## **4. EXECUTIVE OFFICER'S REPORT**

### **b. Sonoma County Water Agency and Fish Survey**

Bob Klamt introduced Sean White, Environmental Specialist, Natural Resources, Sonoma County Water Agency. Mr. White presented a short video showing adult Chinook salmon traversing up the Russian River. Mr. White identified and reviewed the objectives of the seventeen federally-funded projects for the tributaries of the Russian River watershed. These projects comprise the Sonoma County Water Agency's Fisheries Enhancement Program

Workplan for July, 1999, through June 2000. Mr. White responded to questions from the Board.

**a. Update on Sonoma County Water Agency Endangered Species Act Contract**

Bob Klamt stated the Sonoma County Water Agency contracted with the Regional Water Board to implement a five-year study to achieve compliance with the Endangered Species Act/Clean Water Act Integration. The primary tasks of the project include: (a) review of the Basin Plan objectives for salmonid protection; (b) propose modifications to the Basin Plan if appropriate; (c) coordinate with other affected agencies; (d) assist in the Section 7 Consultation; (e) develop a projects database; (f) initiate and coordinate MtBE sampling in reservoirs; and (g) assist in the refinement of a water quality model. Mr. Klamt responded to questions from the Board.

**h. Report on Sampling of Lakes Mendocino and Sonoma for Methyl tertiary-Butyl Ether (MtBE)**

Peter Otis stated the purpose of the two-year study was to investigate temporal and areal extent of MtBE contamination in Lakes Sonoma and Mendocino. Staff members Bob Klamt, Gail Seymour, and Fred Blatt were instrumental in helping him complete the first year's contract. Mr. Otis used slides and graphs to illustrate various contamination levels documented at the various sampling stations on both lakes. He stated MtBE was found in all surface samples during the summer boating season with the highest concentration located by the Lake Sonoma Marina. Mr. Otis stated he would provide a hard copy of his first year report to all interested parties.

**c. Update on Supplemental Environmental Projects throughout the State**

**(1) Update on Administrative Civil Liability Complaint Order No. 99-49 for Alary Corporation, Westec Tank Company, and Westec Industries, 1402 Grove Street, Healdsburg, California**

Susan Warner said an acid spill occurred in Foss Creek in September, 1998, resulting in a significant fish kill in 1,000 feet of the Creek. A \$40,000 administrative civil liability was imposed on the three companies on July 22, 1999. Alary Corporation paid the sum of \$20,000 on August 26, 1999. The remaining \$20,000 complaint requires Westec to conduct an environmental compliance education program for the winery and stainless steel fabrication industries. The education program is required to include oral and written presentations at no fewer than three meetings of industry trade groups, with a total attendance of approximately three hundred industry representatives. The presentations shall consist of an overview of all local, state, and federal environmental laws applicable to these industries. The supplemental environmental project is expected to be completed by July 31, 2000.

**(2) Update on Administrative Civil Liability Complaint Order No. 99-50 for the City of Healdsburg**

Mark Neely stated Administrative Civil Liability Complaint Order No. 99-50 in the amount of \$50,000 was issued to the City of Healdsburg on July 22, 1999. The complaint was issued for two separate incidents in February, 1999, including: (1) the spilling of an estimated 140,000 to 1,300,000 gallons of raw sewage to Dry Creek, tributary to the Russian River and (2) the discharge of treated, undisinfected wastewater from the treatment facilities into the City's disposal pond. The \$5,000 fine amount was paid within 30 days and the balance of \$45,000 was suspended contingent on the City's completion of a supplemental environmental project. Mr. Neely introduced City of Healdsburg Engineer George Hicks who discussed the five tasks requiring completion to remain in compliance with Order No. 99-50. The order has been complied with and installation of additional pumping capacity at the Magnolia Lift Station will be the final task to be completed by the July 31, 2000, deadline.

**(3) Update on Sonoma County Water Agency Administrative Civil Liability Complaint Compliance**

John Short reported the Occidental Wastewater Facility is operated and maintained by the Sonoma County Water Agency. Administrative Civil Liability Order No. 97-126 in the amount of \$125,000 was issued on October 23, 1997 due to a continuing four-year violation of numeric standards in the permit for the Occidental facility. Mr. Short stated certification of an Environmental Impact Report was completed on February 15, 2000. This report was 45 days late, requiring a payment of \$50,000 per the ACL. The Russian River Wastewater Facility has an advanced wastewater treatment capacity of 510,000 gallons, average daily dry weather flow. Administrative Civil Liability Order Nos. 99-51 and 99-52 were issued for two collection system spills and for system bypasses during wet weather. Mr. Short reported the facility has met milestones in the orders. However, additional violations continue and another spill from the collection system occurred in February, 2000. He stated staff is still reviewing this latest violation.

Ms. Brenda Adelman and Mr. Bob Rawson presented testimony on this item.

**e. Briefing for Regional Water Board Members on SB 709 (Migden)**

Phil Wyels began his presentation with a brief historical perspective on the Regional Water Board's discretionary authority to assess administrative civil liability orders and/or other enforcement orders. After Governor Gray Davis signed SB 709, it became effective January 1, 2000. Mr. Wyels discussed two new mandatory minimum penalties that are now applicable to certain NPDES permit violations. Cease and Desist and Time Schedule Orders do not exempt dischargers from these mandatory minimum penalties. The mandatory minimum penalties can be processed the same as an administrative civil liability (ACL) complaint and can combine both ACL and mandatory penalties in one order. Due to

sovereign immunity issues, mandatory penalties are not applicable to federal facilities. Mr. Wyels discussed how Regional Water Boards may require NPDES permittees and indirect dischargers to publicly-owned treatment plants to prepare Pollution Prevention Plans, which are subject to the public process. He suggested the Office of Chief Counsel's December 6, 1999, question and answer document as a reference source. There was a lengthy discussion among the Board members and staff. The Board asked they be notified before the Executive Officer issues any mandatory minimum penalties pursuant to SB 709.

Ms. Brenda Adelman presented oral testimony on this item.

**f. Clean Water Act Grants – 205(j) and 319(h)**

Janet Blake provided a brief overview of the grant process stating 205(j) grants are issued for water quality planning and assessment activities. She stated 319(h) grants are designated to reduce or prevent nonpoint source pollution to groundwater or surface water. The Clean Water Action Plan (CWAP) which was signed by President Clinton in February, 1998, provided supplemental nonpoint source 319(h) grant funding. Ms. Blake described the required criteria for CWAP funding. The grant application process will take up to eighteen months to complete. She stated three outreach workshops have been scheduled in March. Interested parties should contact her for additional information. Bev Wasson expressed an interest in efforts to streamline the process.

**g. Endangered Species Act, National Marine Fisheries Service and Water Quality**

Lee Michlin stated sediment management in Region One is a major issue. He said staff continues their inspection and oversight of logging and hillside vineyard activities. The Endangered Species Act and the Clean Water Act are federal laws the regulated community would like to see joined to include a species recovery plan, habitat conservation plan compliant with water quality objectives and beneficial uses. Mr. Michlin discussed the advantages and the goal of developing a Basin Plan amendment to be implemented by 2003 for sediment management. Mr. Michlin presented a proposal to NMFS and federal EPA IX for additional funds to develop the Basin Plan amendment. The request was appreciated but denied.

Bob Klamt used a map to illustrate the Klamath, Trinity, Mad, Eel, and Russian River watersheds and coastal streams. He stated coho salmon were listed as threatened over most of the southern portion of the Region in October, 1996, and the rest of the Region by May, 1997. Mr. Klamt explained endangered, threatened or candidate priorities of threatened salmonid species. Steelhead were listed as threatened in August, 1997, and Chinook salmon were listed as threatened in Fall, 1999, from Redwood Creek in the north to, and including, the Russian River Basin in the south.

Patrick Rutten, National Marine Fisheries Service, distributed a comprehensive booklet entitled, "Recovery Planning for West Coast Salmon". Mr. Rutten described the scope,

structure, and goals of the NMFS recovery planning process with a multi-species approach. There are four planning areas statewide with the local area based in Santa Rosa to be the area for initial mainstream activity. NMFS is establishing a Recovery Science Review Panel in Santa Rosa and is recruiting a technical team which will consist of six to ten team members. He stated the regions' Basin Plans are the cornerstones to the recovery process. There was a lengthy question and answer session among the Board members, Mr. Rutten, and staff.

#### **c. Water Quality Coordinating Committee Meeting (WQCC) Agenda**

Lee Michlin stated the February 29, 2000, meeting of the Joint Policy and Facilitating Oversight Hearing chaired by Assemblywoman Hannah Beth Jackson (D- Santa Barbara) would be an important topic at the April 7 and 8, WQCC meeting. The first part of the hearing video was shown with testimony centered on the goals of the current legislators. Mr. Michlin identified additional speakers and summarized the balance of the testimony that was presented at the hearing.

#### **5. Executive Officer Administrative Civil Liabilities – Kistler Vineyards**

Lee Michlin introduced Christine Wright-Shacklett, Senior Engineering Geologist, in the Timber Harvest Division. Ms. Wright-Shacklett presented a brief chronology of background information that led to the issuance of Administrative Civil Liability Complaint No. R1-2000-12 issued on February 18, 2000, in the amount of \$10,000. The Complaint was issued to Kistler Vineyards for alleged violations of water quality laws related to failure to submit a technical report by the required date and for falsifying information contained in a required technical report. Kistler Vineyards paid the \$10,000 complaint amount on February 29, 2000. The period for public comments about the complaint runs until April 5, 2000, which is 30 days after a public notice about the complaint was issued. Ms. Wright-Shacklett stated staff continues to monitor the site and has inspected it two times since payment was received. There was lengthy discussion between the Board members, Phil Wyels, and staff.

Mr. George Tuttle, Sebastopol resident, submitted written comments and photos while testifying on this item.

#### **7. State and Regional Water Board Communications**

Mr. John Brown, State Water Board Liaison, announced on March 15, 2000, the State Board heard testimony and approved the City of Santa Rosa's long-range wastewater treatment plan and permit. Mr. Brown continued his update to the Board on various water quality items of interest.

Ms. Adelman provided comments regarding the City of Santa Rosa permit and long-range wastewater treatment plan which was heard in Sacramento.

**6. Violation and Enforcement Report**

The report stood as presented in the agenda.

**8. Leaking Underground Storage Tanks/Sewage Spills**

The report stood as presented in the agenda.

**9. Proposition 65 Notifications**

The report stood as presented in the agenda.

Chairman Hoy adjourned the meeting at 1:40 p.m. The next regularly-scheduled Regional Water Board meeting will be held in Eureka on April 27, 2000.

Executive Assistant Jean Spath recorded the minutes of the March 23, 2000 meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its April 27, 2000 meeting.

Approved by: \_\_\_\_\_, Chairman.